

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

*IN RE* PAUL A. MORABITO,

Debtor.

JH, INC., *et al.*,

Appellants,

v.

JEFFREY HARTMAN, *et al.*,

Appellees.

Case No. 3:21-cv-00252-ART

Bankr. Case No. 3:13-bk-51237-GWZ

ORDER

On June 6, 2021, this Court entered a Notice of Referral of Appeal in the chapter 7 bankruptcy case *In re* Paul A. Morabito, 3:13-bk-51237-GWZ (ECF No. 1). On February 8, 2022, Appellee Jeffrey Hartman filed a Notice of Suggestion of Death pursuant to Federal Rule of Civil Procedure 25 which indicated that Appellee David R. Houston died on December 11, 2021 (ECF No. 34). The Notice of Suggestion of Death stated that it was unknown whether a personal representative or executor had been appointed. On February 9, 2022, Chief Judge Miranda M. Du issued an order which stated that if there is no motion for substitution within 90 days of the date of the order, the Court will dismiss Appellee David R. Houston from this matter (ECF No. 35). On April 13, 2022, this case was reassigned to Judge Anne R. Traum for all further proceedings (ECF No. 38). The 90-day deadline has now expired, and no party has filed a motion for substitution.

Under Federal Rule of Civil Procedure 25(a)(1), “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent’s successor or representative. If the motion is not made within 90 days after service

1 of a statement noting the death, the action by or against the decedent must be  
2 dismissed.” Fed. R. Civ. P. 25(a)(1).

3 Because no motion for substitution has been made regarding Appellee  
4 David R. Houston, Appellee David R. Houston is hereby dismissed with prejudice  
5 from the case.

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7 DATED THIS 6<sup>th</sup> day of July 2022.

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ANNE R. TRAUM  
12 UNITED STATES DISTRICT JUDGE  
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